

**ASSEMBLY BILL**

**No. 1030**

**Introduced by Assembly Member Machado**

February 25, 1999

An act to amend Sections 6550 and 6552 of the Family Code, relating to caregivers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1030, as introduced, Machado. Minors: caregiver's authorization affidavit.

Existing law specifies the content and effect of a caregiver's authorization affidavit regarding authorizing enrollment of a minor in school and authorizing medical care.

This bill would require a caregiver to obtain the signature, phone number, and address of the minor's parents on the caregiver's affidavit, if reasonably possible, and would revise the content of the caregiver's authorization affidavit, as specified, including the statements that the affidavit cannot be used for interscholastic athletic recruitment, but that a caregiver is authorized to give consent in all authorized matters with respect to a special education student.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6550 of the Family Code is  
2 amended to read:

1 6550. (a) A caregiver's authorization affidavit that  
2 meets the requirements of this part authorizes a  
3 caregiver 18 years of age or older who completes items 1-4  
4 of the affidavit provided in Section 6552 and signs the  
5 affidavit to enroll a minor in school and consent to  
6 school-related medical care on behalf of the minor. A  
7 caregiver who is a relative and who completes items 1-8  
8 of the affidavit provided in Section 6552 and signs the  
9 affidavit shall have the same rights to authorize medical  
10 care and dental care for the minor that are given to  
11 guardians under Section 2353 of the Probate Code. The  
12 medical care authorized by this caregiver who is a  
13 relative may include mental health treatment subject to  
14 the limitations of Section 2356 of the Probate Code. A  
15 *caregiver shall obtain the signature, address, and phone*  
16 *number of the minor's parent or parents on the affidavit,*  
17 *if reasonably possible.*

18 (b) The affidavit shall not be valid for more than one  
19 year after the date on which it is executed.

20 (c) The decision of a caregiver to consent to or to  
21 refuse medical or dental care for a minor shall be  
22 superseded by any contravening decision of the parent or  
23 other person having legal custody of the minor, provided  
24 the decision of the parent or other person having legal  
25 custody of the minor does not jeopardize the life, health,  
26 or safety of the minor.

27 (d) No person who acts in good faith reliance on a  
28 caregiver's authorization affidavit to provide medical or  
29 dental care, without actual knowledge of facts contrary to  
30 those stated on the affidavit, is subject to criminal liability  
31 or to civil liability to any person, or is subject to  
32 professional disciplinary action, for such reliance if the  
33 applicable portions of the affidavit are completed.

34 This subdivision shall apply even if medical or dental  
35 care is provided to a minor in contravention of the wishes  
36 of the parent or other person having legal custody of the  
37 minor as long as the person providing the medical or  
38 dental care has no actual knowledge of the wishes of the  
39 parent or other person having legal custody of the minor.



1 (e) A person who relies on the affidavit has no  
2 obligation to make any further inquiry or investigation.

3 (f) Nothing in this section shall relieve any individual  
4 from liability for violations of other provisions of law.

5 (g) If the minor stops living with the caregiver, the  
6 caregiver shall notify any school, health care provider, or  
7 health care service plan that has been given the affidavit.

8 (h) A caregiver's authorization affidavit shall be  
9 invalid unless it substantially contains, in not less than  
10 10-point boldface type or a reasonable equivalent thereof,  
11 the warning statement beginning with the word  
12 "warning" specified in Section 6552. The warning  
13 statement shall be enclosed in a box with 3-point rule  
14 lines.

15 (i) For purposes of this part:

16 (1) "Person" includes an individual, corporation,  
17 partnership, association, the state, or any city, county, city  
18 and county, or other public entity or governmental  
19 subdivision or agency, or any other legal entity.

20 (2) "Relative" means a spouse, parent, stepparent,  
21 brother, sister, stepbrother, stepsister, half-brother,  
22 half-sister, uncle, aunt, niece, nephew, first cousin, or any  
23 person denoted by the prefix "grand" or "great," or the  
24 spouse of any of the persons specified in this definition,  
25 even after the marriage has been terminated by death or  
26 dissolution.

27 (3) "School-related medical care" means medical care  
28 that is required by state or local governmental authority  
29 as a condition for school enrollment, including  
30 immunizations, physical examinations, and medical  
31 examinations conducted in schools for pupils.

32 SEC. 2. Section 6552 of the Family Code is amended  
33 to read:

34 6552. The caregiver's authorization affidavit shall be  
35 in substantially the following form:  
36

Caregiver's Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1–4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5–8 is additionally required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: \_\_\_\_\_.

2. Minor's birth date: \_\_\_\_\_.

3. My name (adult giving authorization): \_\_\_\_\_.

4. My home address: \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_



5. ☐ I am a grandparent, aunt, uncle, or other qualified relative of the minor (see back of this form for a definition of “qualified relative”).

6. Check one or both (for example, if one parent was advised and the other cannot be located):

☐ I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

☐ I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: \_\_\_\_\_.

8. My California’s driver’s license or identification card number: \_\_\_\_\_.

9. *Signature of parent or parents advised:* \_\_\_\_\_.

*Address and phone number of parent signator or signators:*

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

Notices:

1. This declaration does not affect the rights of the

1 minor's parents or legal guardian regarding the care,  
2 custody, and control of the minor, and does not mean that  
3 the caregiver has legal custody of the minor.

4  
5  
6 2. A person who relies on this affidavit has no obligation  
7 to make any further inquiry or investigation.

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10 3. This affidavit is not valid for more than one year after  
11 the date on which it is executed.

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14 4. *A Caregiver's Authorization Affidavit cannot be used*  
15 *for interscholastic athletic recruitment.*

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18 5. *The caregiver is authorized to give consent for a*  
19 *special education student.*

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22 Additional Information:

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25 TO CAREGIVERS:

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28 1. "Qualified relative," for purposes of item 5, means a  
29 spouse, parent, stepparent, brother, sister, stepbrother,  
30 stepsister, half-brother, half-sister, uncle, aunt, niece,  
31 nephew, first cousin, or any person denoted by the prefix  
32 "grand" or "great," or the spouse of any of the persons  
33 specified in this definition, even after the marriage has  
34 been terminated by death or dissolution.

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37 2. The law may require you, if you are not a relative or  
38 a currently licensed foster parent, to obtain a foster home  
39 license in order to care for a minor. If you have any



1 questions, please contact your local department of social  
2 services.

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4  
5 3. If the minor stops living with you, you are required to  
6 notify any school, health care provider, or health care  
7 service plan to which you have given this affidavit.

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10 4. If you do not have the information requested in item  
11 8 (California driver's license or I.D.), provide another  
12 form of identification such as your social security number  
13 or Medi-Cal number.

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16 TO SCHOOL OFFICIALS:

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19 1. Section 48204 of the Education Code provides that  
20 this affidavit constitutes a sufficient basis for a  
21 determination of residency of the minor, without the  
22 requirement of a guardianship or other custody order,  
23 unless the school district determines from actual facts  
24 that the minor is not living with the caregiver.

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27 2. The school district may require additional reasonable  
28 evidence that the caregiver lives at the address provided  
29 in item 4.

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32 TO HEALTH CARE PROVIDERS AND HEALTH  
33 CARE SERVICE PLANS:

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36 1. No person who acts in good faith reliance upon a  
37 caregiver's authorization affidavit to provide medical or  
38 dental care, without actual knowledge of facts contrary to  
39 those stated on the affidavit, is subject to criminal liability  
40 or to civil liability to any person, or is subject to

1 professional disciplinary action, for such reliance if the  
2 applicable portions of the form are completed.

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5 2. This affidavit does not confer dependency for health  
6 care coverage purposes.

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